



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,685	01/18/2002	Guido Dedenbach	521.1008	6709

23280 7590 08/05/2003

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
----------	--------------

2832

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/890,685

Applicant(s)
Dedenbach et al. *h*

Examiner
Lincoln Donovan

Art Unit
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 27, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on May 27, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2832

DETAILED ACTION

Drawings

1. The drawings are objected to because cut-away views of insulative portions, such as housing modules 2 and 3, should be cross-hatched as such. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO 0560696 in view of Chien et al. [US 5,196,815].

EPO 0560696 disclose a circuit breaker [figure 1] comprising:

- an interrupter chamber housing [10] having an outside wall of a plastic material;
- an interrupter including a pair of u-shaped stationary contacts [24, 25] embedded within the interrupter chamber;

Art Unit: 2832

- a rotary pivotal movable contact member [44'] movably connected with at least one of the stationary contacts;

- a magnetic member [33] connected in the leg connection portion of the stationary contacts;
and

- first and second contact pads [figure 2] connected with the stationary terminals.

EPO 0560696 discloses the instant claimed invention except for: the bus bar being force fit within the outside wall and the use of a bus bar with the stationary contacts.

Chien et al. discloses a bus bar [figure 1] force fit with a housing shell portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use force fit terminal design of Chien et al. into the outside wall of EPO 0560696 for the purpose of facilitating assembly and/or replacement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a bus bar type connection for the stationary contacts of EPO 0560696, as modified, for the purpose of enabling mounting within a bus type box.

Claims 9 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO 0560696 in view of Chien et al., as applied to claim 8 above, and further in view of Stieglitz [US 5,428,883].

EPO 0560696, as modified, disclose the instant claimed invention except for: the stationary contact assembly being injection molded within the outside wall.

Art Unit: 2832

Stieglitz discloses a contact member [17] being molded within a casing of a electromagnetic control apparatus.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an injection molding process for the contact assembly of EPO 0560696, as modified, for the purpose rigidly supporting the contact and magnet structure within the housing and simplifying construction.

The claimed method steps would have been inherent in the product structure.

Response to Arguments

4. Applicant's arguments filed 05-27-03 have been fully considered but they are not persuasive.

Applicant argues:

[1]: There is no suggestion in either of Chien et al. or EPO 0560696 to combine them. Neither of the references recognizes the heat dissipation problem addressed by the present claimed invention.

[2]: Chien et al. and EPO 0560696 are non-analogous as that they disclose different types of circuit breakers.

[3]: The references do not show the stationary contact being embedded into the walls of the circuit breaker.

Examiner responds:

Art Unit: 2832

Regarding [1]: In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the breakers shown by Chien et al. and EPO 0560696 disclose mounting bus bars into a casing for a circuit breaker. A skilled artisan would have been motivated to seek mounting designs various breaker designs to secure the bus bars in place, such as the use of a force fit like that shown by Chien et al.

Regarding [2]: In response to applicant's argument that Chien et al. and EPO 0560696 are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both Chien et al. and EPO 0560696 are directed to circuit breaker designs operating in similar environments.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.


Art Unit: 2832

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0956.

LDD

July 29, 2003


LINCOLN DONOVAN
PRIMARY EXAMINER
GROUP 2100